

R E M A R K S

A. Comments on Statement of Reasons for Allowance

Applicants are grateful for the Examiner's statement that Claims **1-22, 24-31, 53, 54, 66 and 69** are allowed.

Applicants would like to clarify the language of the Reasons for Allowance. Specifically, Applicants note that in one instance the Reasons for Allowance seem to imply, at least arguably, that a certain limitation is present in all of the claims that the Examiner indicated as containing allowable subject matter, even though that limitation is not expressly recited in any claim. In other portions of the Reasons for Allowance, the Examiner refers to the recited claim language. Since some of the language in the Reasons for Allowance differs from the literal language of the claims, clarification is provided below.

On page 4, the Examiner arguably implies that the following limitation is present in all pending claims: not applying a multiplier to a winning amount or equivalently changing said multiplier to one **if the result of multiplying the winning amount by the multiplier would exceed a certain value**. [Notice of Allowability, page 4]. In fact, this limitation is not recited, nor is such a limitation, necessary to distinguish any allowed claim over any of the prior art of record.

Moreover, in contrast to the Examiner's implied limitation noted above, on page 5 the Examiner explicitly refers to the limitation generally recited in all claims: *if a redemption value of the set of play indicia is outside a defined range of redemption values*. The Examiner states that this recited feature is not suggested by the prior art of record. [page 5].

Because the Reasons for Allowance (on page 4) differ from the claim language recited in the allowed claims, and because the Examiner refers to and relies on the actual language elsewhere in the Reasons for Allowance (see page 5), we understand the Examiner's characterization on page 4 to be inadvertent error.

The Examiner states that the pending claims are allowed over the art of record for presenting a specific combination of features. [page 4]. We respectfully traverse any assertion that the combination of features is required for patentability. We respectfully note that no findings have been made of record that any combination of references would provide for all of the other features of any claim. Thus, there is no evidence of record that combination of the two features noted by the Examiner is required for patentability.

We also respectfully submit that either of the features noted by the Examiner, or some other feature not addressed by the Examiner, may be sufficient for patentability. In fact, the Examiner states on page 5: “The prior art of record fails to teach or suggest the claimed manner of changing the magnitude of a multiplier to one if a redemption value of the set of play indicia that not cited references teaches the feature of if a redemption value of the set of play indicia is outside a defined range of redemption values.” Thus, the Examiner asserts that at least this feature alone would be sufficient for allowing the claims.

We respectfully submit that the Examiner has never articulated, and there is no evidence of record, of any motivation to combine any of the references cited in the Reasons for Allowance, much less a motivation that would provide for any of the specific claimed features. The Examiner also makes various assertions as to “keno type lottery devices” without indicating any reference supporting these assertions. Accordingly, we respectfully traverse these unsupported assertions as to what was “well known,” and respectfully traverse any unsupported implication that it would have been obvious to modify or combine such devices.

With respect to the Vejnaska article, the Examiner asserts: “Vejnoska however, does not rely on a separate consideration of prize amount to determine how the multiplier is applied and instead limits the use of the multiplier to particular instance.” We respectfully wish to clarify that the allowed claims could encompass embodiments that do not apply a multiplier to a jackpot prize (and / or to other types of prizes) *wherein a magnitude of the multiplier is not to be applied (or is changed to one) if a redemption value of the set of play indicia is outside a defined range of redemption values.*

We are grateful for the opportunity to comment on the Examiner’s Reasons for Allowance. If the Examiner disagrees with any of our statements herein and / or has additional comments on the reasons for allowance of any claim, we encourage the Examiner to clarify in another paper and / or to re-open prosecution of the present application.

B. Affirmation of Election

We affirm that Claims **1-22, 24-31, 53, 54, 66 and 69** are elected for examination in response to the Examiner’s requirement for election/restriction. Claims 70-78 were cancelled by the Examiner’s amendment.


C. Conclusion

It is submitted that all of the pending claims are allowed. Issuance of the present application is respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date



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